

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----X
In Re:

Case No. 1-20-40970-nhl

MOHAMMAD MOINUDDIN

**AFFIRMATION IN
OPPOSITION**

Debtor.

-----X (Chapter 13)

JEREMY S. HANKIN, Esq., an attorney duly admitted to practice law before the United States Bankruptcy Court of the Eastern District of New York hereby affirms the following to be true under the penalties of perjury:

1. I am associated with the law firm of Hankin & Mazel, PLLC, attorneys for Rafolin Corp., a creditor herein; as such, I am fully familiar with the facts and circumstances set forth below.
2. I submit this Affirmation in Opposition to the Debtor's Motion objecting the claim (#1) filed herein by Rafolin Corp. on or about March 26, 2020 just as New York State was ordered PAUSED by Governor Cuomo due to the COVID-19 pandemic (A copy of the Notice of Claim is annexed hereto as **Exhibit "A"**).
3. Rafolin Corp. ("Coop") is a residential housing cooperative corporation located at 65-15 38th Avenue, woodside, New York.
4. Debtor is the shareholder and proprietary lessee of apartments 1H and 1S.
5. The Notice of Claim filed on behalf of the Coop was as a result of (i) two (2) Civil Court Judgments obtained by the Coop against Debtor after trial for unpaid maintenance fees and costs and legal fees associated therewith (copies of the judgments are collectively annexed hereto as **Exhibit "B"**), and (ii) additional unpaid maintenance and additional maintenance that had accrued after the judgments had been obtained (A copy of the

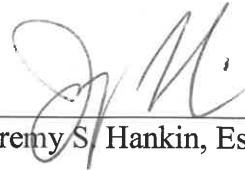
Coop's ledgers showing the unpaid sums that have accrued subsequent to the Coop obtaining the two judgments through July 1, 2020 is annexed hereto as **Exhibit "C"**.)

6. In addition, additional maintenance has accrued in the form of legal fees due to the Debtor's defaults that are not currently reflected on the ledgers. (A copy of the outstanding legal fees not yet reflected on the ledgers are annexed hereto as **Exhibit "D"** and do not include legal fees accrued re this opposition). As per the Coop's Proprietary Lease, Paragraph 37, the Debtor is responsible for expenses incurred as a result of their default. (A copy of the Coop's Offering Plan which includes the Proprietary Lease is annexed hereto as **Exhibit "E"** – See page 99).
7. The Notice of Claim erroneously noted that the Coop's claim was secured by a lien on real property. Because the Debtor was a shareholder in the Coop, the Coop's claim is secured, pursuant to UCC Article 8 by the shares of stock. As per the Coop's By-Laws, Article VI Section 6, the Coop has a first lien against the shares of stock for all sums dues and owing to the Coop by the Debtor shareholder (A copy of the Coop's Offering Plan which includes the By-Laws is annexed hereto as **Exhibit "E"** – See page 111).
8. Accordingly, as a result of the errors made in the Notice of Claim and raised in Debtor's Motion, the Coop has filed an Amended Notice of Claim correcting the errors and exhibiting all the required documentation. (A copy of the Amended Notice of Claim with all its attachments is annexed hereto as **Exhibit "F"**.)
9. As such, it is respectfully submitted that Debtor's Motion be denied as moot.

CONCLUSION

WHEREFORE, based upon all of the foregoing, it is respectfully submitted that Debtor's Motion be denied in its entirety and that this Court grant to the Coop such other, further and different relief as to this Court seems just and proper.

Dated: Great Neck, New York
August 18, 2020



Jeremy S. Hankin, Esq.

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AFFIRMATION IN OPPOSITION W/ EXHIBIT(S)

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I certify that, to the best of my knowledge, information and belief, formed after an inquiry reasonable under the circumstances that the presentation of the papers and contentions herein are not frivolous as defined in section 22 N.Y.C.R.R. §130-1.1(c).

Dated: Great Neck, New York
August 18, 2020



Jeremy S. Hankin, Esq.